

ORDINANCE NO. 2004 - 004

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA); ADOPTING SMALL SCALE AMENDMENT 2003-0034 SCA (SOUTH ROAD OFFICE II); MODIFYING PAGE 80 OF THE FLUA BY CHANGING APPROXIMATELY 9.26 ACRES OF LAND GENERALLY LOCATED ON THE SOUTHWEST CORNER OF WINDSOR LANE (50TH STREET SOUTH) AND STATE ROAD 7/US 441, APPROXIMATELY ONE-HALF MILE NORTH OF LANTANA ROAD, FROM LOW RESIDENTIAL, 2 UNITS PER ACRE (LR-2) TO COMMERCIAL LOW - OFFICE (CL-O); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

WHEREAS, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

WHEREAS, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on November 14, 2003, to review the proposed amendment to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

1 WHEREAS, the Palm Beach County Board of County Commissioners, as
2 the governing body of Palm Beach County, conducted a public hearing
3 pursuant to Chapter 163, Part II, Florida Statutes, on January 29,
4 2004, to review the recommendations of the Local Planning Agency and
5 to consider adoption of the amendments; and

6 WHEREAS, the Palm Beach County Board of County Commissioners has
7 determined that the amendment complies with all requirements of the
8 Local Government Comprehensive Planning and Land Development
9 Regulation Act.

10 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
11 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

12 Part I. Amendments to the Future Land Use Atlas of the Land Use
13 Element of the 1989 Comprehensive Plan

14 The following amendment to the Future Land Use Element's Future
15 Land Use Atlas is hereby adopted and is attached to this Ordinance:

16 A. Future Land Use Atlas page 80 is amended as follows:

17 Application No.: 2003-0034 SCA (SOUTH ROAD OFFICE II)

18 Amendment: From Low Residential, 2 units per acre (LR-
19 2) to Commercial Low - Office (CL-O);

20 General Location: Southwest corner of Windsor Lane (50th
21 Street South) and State Road 7/US 441,
22 approximately one-half mile north of
23 Lantana Road;

24 Size: Approximately 9.26 acres;

25 Part II. Repeal of Laws in Conflict

26 All local laws and ordinances applying to the unincorporated area
27 of Palm Beach County in conflict with any provision of this ordinance
28 are hereby repealed to the extent of such conflict.

29 Part III. Severability

30 If any section, paragraph, sentence, clause, phrase, or word of
31 this Ordinance is for any reason held by the Court to be
32 unconstitutional, inoperative or void, such holding shall not affect
33 the remainder of this Ordinance.
34

1 Part IV. Inclusion in the 1989 Comprehensive Plan

2 The provisions of this Ordinance shall become and be made a part
3 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
4 Ordinance may be renumbered or relettered to accomplish such, and the
5 word "ordinance" may be changed to "section," "article," or any other
6 appropriate word.

7 Part V. Effective Date

8 This amendment shall not become effective until 31 days after
9 adoption. If challenged within 30 days after adoption, this amendment
10 shall not become effective until the state land planning agency or the
11 Administration Commission, respectively, issues a final order
12 determining the amendment is in compliance.

13 **APPROVED AND ADOPTED** by the Board of County Commissioners of
14 Palm Beach County, on the 29 day of January, 2004.

15 ATTEST:

16 DOROTHY H. WILKINSON, Clerk

17 PALM BEACH COUNTY, FLORIDA,

18 BY ITS BOARD OF COUNTY COMMISSIONERS

19 By: Linda C. Hickman
20 Deputy Clerk

21 By: Karen T. Marcus
22 Karen T. Marcus, Chair

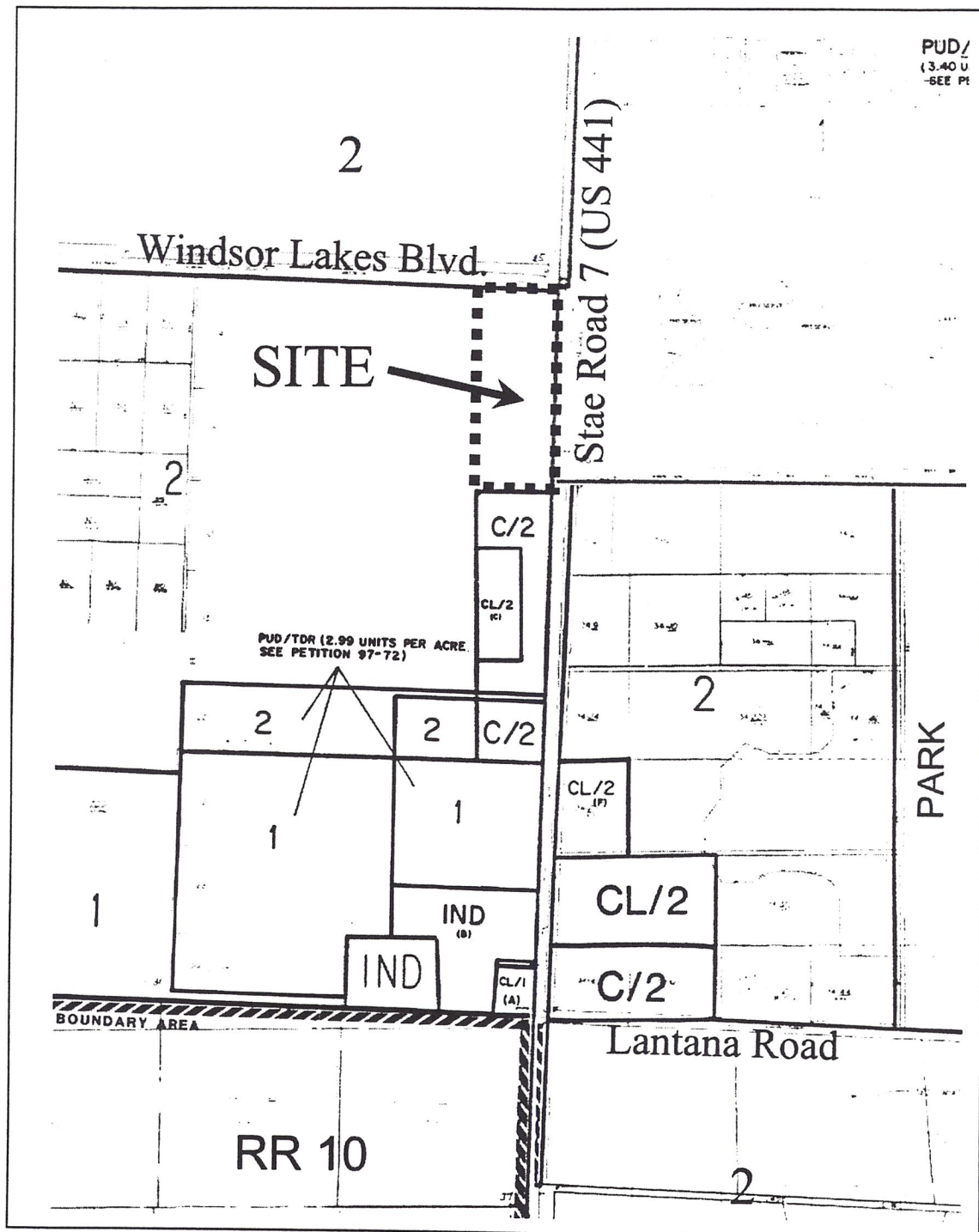
23 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

24 [Signature]
25 COUNTY ATTORNEY

26 Filed with the Department of State on the 2 day
27 of February, 2004.
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29
30

EXHIBIT 1

Amendment No.: 2003-0034 SCA (South Road Office II)
FLUA Page No.: 80
Amendment: From Low Residential, 2 units per acre (LR-2) to Commercial Low - Office (CL-O)
Location: Southwest corner of Windsor Lane (50th Street South) and State Road 7/US 441, approximately one-half mile north of Lantana Road.
Size: Approximately 9.26 acres
Property No.: 00-42-43-27-05-035-0081, 00-42-43-27-05-035-0082, 00-42-43-27-05-035-0083, 00-42-43-27-05-035-0011
Legal Description: See attached



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Legal Description:

That part of Tracts 1 and 8, block 35, Palm Beach Farms Co. Plat No. 3, according to the Plat thereof recorded in Plat book 2, page 45 to 54, Public Records of Palm Beach County, Florida, lying west of the westerly road right-of-way line of State Road 7 per official Records Book 10051, page 1356, official Records Book 10036, page 1655, and official Records Book 10559, page 1373, and lying east of a line parallel and 300 feet west of, as measured at right angles to, said westerly road right-of-way line of State Road 7, less, Lake Worth Drainage District right-of-way per official Records Book 6495, page 761; and also less canal reservation described in official Records Book 2069, page 484, Palm Beach County Public Records.

Said lands lying in Palm Beach County, Florida, containing 403,339.011 square feet, (9.259 acres), more or less.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on January 29, 2004
DATED at West Palm Beach, FL on 3/12/04
DOROTHY H. WILKEN, Clerk
By: Miane Brown D.C.